

**UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NEW YORK**

ROSS MORGAN

Plaintiff

VS.

CONCOURS CLASSIC MOTOR CARS,  
INC. DBA CONCOURS CLASSIC  
RESTORATION

and

CLARK RITTERSBACH,

## Defendants

**NO. 6:18-cv-06778-FPG-MWP**

**DECLARATION OF  
STEPHEN F. GEHRINGER, ESQ.**

Stephen F. Gehringer, Esq., an attorney admitted to practice before this Court, declares the following to be true, pursuant to 28 U.S.C. § 1746:

1. I am a member of the Law Offices of Bruce Shaw P.C., attorneys for plaintiff Ross Morgan.
2. I have served as lead counsel for Plaintiff throughout the entire course of this litigation, and thus, I am familiar with the pleadings and prior proceedings in this case, and with all matters addressed herein.
3. I submit this Declaration in support of Plaintiff's motion for the entry of judgments against defendants Clark Rittersbach ("Clark Rittersbach"), Concours Classic Motor Cars, LLC dba Concours Classic Restoration ("Concours") (collectively, the "Defendants") pursuant to Affidavits of Confession of Judgment that each of the Defendants executed in connection with a Settlement Agreement that the parties negotiated and entered.
4. The brief history of this litigation, including a summary of Plaintiff's claims, the parties' Settlement Agreement, Defendants' execution of Affidavits of Confession of

- Judgment, Defendants' material breach and default under the Settlement Agreement, and the amounts due and owing from Defendants to Plaintiff, are detailed in the Affidavit of Ross Morgan. Those matters will not be repeated here.
5. In accordance with the Settlement Agreement, and as more specifically set forth in the Affidavits of Confession of Judgment, the judgment to be entered in favor of Plaintiff shall include not only the principal balance of \$1,475,027.50, but also costs and attorneys' fees.
  6. Plaintiff has incurred more than \$35,787.50 in attorneys' fees in prosecuting this action including the attempts to settle the dispute prelitigation that involved numerous unfulfilled promises by the Defendants, review of all several years of documents and electronic mails by and between the parties, drafting, and filing of the Complaint; response to the Defendants' counterclaims, initial disclosures, discovery preparations, post litigation settlement negotiations; drafting settlement documents; and now, seeking enforcement of affidavits of confession of judgment. These fees represent more than 102.25 hours of work by me at a rate of \$350.00 per hour (\$35,787.50).
  7. I attest that all of the above-referenced attorneys' fees were necessary and reasonable in prosecuting this action under the circumstances. I further attest that Plaintiff actually has paid and is paying these fees; these are not fees calculated simply to support an award in this case, but are fees that Plaintiff is paying to my firm.
  8. Plaintiff also has incurred costs and expenses in excess of \$678.50 in connection with this litigation. These recoverable costs include a fee of \$400.00 to file the action and expenses of \$278.50 for service of process on the Defendants.

9. Accordingly, the judgment to be entered against Defendants should include a total of \$36,466.00 in costs and attorneys' fees in addition to the principal balance remaining under the Settlement Agreement and Affidavits of Confession of Judgment.

Dated this 4<sup>th</sup> day of September 2019

LAW OFFICES OF BRUCE SHAW, P.C.

/s/ Stephen F. Gehringer, Esq.  
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